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SIPDIS

SENSITIVE

FOR WHA/AS NORIEGA, WHA/DAS FISK AND WHA/CEN TRIVELLI FROM
AMBASSADOR HAMILTON

E.O. 12958: N/A

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SUBJECT: EMBASSY GUATEMALA'S 90-DAY GOAL PLAN

REF: STATE 230096

11. (SBU) Summary: Embassy Guatemala's highest priority goals for the next 90 days include ensuring that the national elections (to be held on November 9) are free and fair; that Guatemala ratifies and places in force a bilateral counter-narcotics maritime agreement with the U.S.; and that Guatemala ratifies a status of forces agreement covering the New Horizons joint military exercise, setting a precedent for a future Article 98 Agreement. End summary.

12. (SBU) Goal 1: National elections are held on schedule, and are judged to be free and fair.

Guatemala will hold elections for President, Congress and local authorities on November 9. The outcome of the elections, and the election process itself, will have a determining impact on the continued consolidation of democracy in Guatemala, following 36 years of internal conflict and an uneven history of democratic institution building. Post is promoting this goal by public and private diplomacy to address the serious challenges that have arisen in this election; by providing technical support to the Supreme Electoral Tribunal to improve its capacity to hold a good election; by providing financial assistance to international (OAS) and national election observation missions; by funding NGO efforts to monitor potential manipulation of the election by GOG pork-barrel spending; and by an Ambassadorial message urging Guatemalans to not let rumors of potential fraud discourage them from voting.

13. (SBU) Goal 2: The Guatemalan Congress ratifies and the GOG places in force a bilateral counter-narcotics maritime agreement with us.

Guatemala and the United States signed a bilateral counter-narcotics maritime agreement on May 27. The placing in force of this agreement will represent a major disincentive for narcotics traffickers to continue to use Guatemala's coasts as transit zones for cocaine bound for US markets, and could encourage other countries in the region to sign similar accords. The resulting operation of US law enforcement vessels in Guatemalan waters will also serve colaterally as a disincentive for alien smuggling operations, which currently use Guatemala as an off-loading point for aliens (including special interest aliens) heading north. We had sought such an agreement with the GOG for ten years. In recent months we have negotiated the text of the agreement, signed it, and President Portillo sent it to Congress for ratification. The Embassy is promoting this goal by pressing Congress to expedite consideration of this agreement; by lobbying all the major parties to vote for the agreement; and by pressing the Portillo Government to secure prompt legislative action followed by immediate implementation.

14. (SBU) Goal 3: Guatemala ratifies a SOFA for the 2004 New Horizons joint military exercise, which contains generic ICC protections.

Guatemala has not ratified a SOFA with us in more than two years, and ratification of the New Horizons agreement would not only provide essential protections needed for this specific exercise, it would also establish a precedent for a broader SOFA containing ICC protections. The Embassy has negotiated a text of the New Horizons SOFA with the GOG, which includes generic language protecting US troops from extradition to an international court. We view the ratification of the New Horizons SOFA as a stepping stone in the process of securing eventual approval of an Article 98 Agreement. Efforts to negotiate a separate Article 98 Agreement, even using a generic text which does not mention the ICC, have not prospered. We will continue pressing the Portillo government for an Article 98 Agreement, but realistically may have to wait for a more favorable opinion by the next government. The New Horizons agreement has been forwarded by President Portillo to Congress for ratification. The Embassy is promoting this goal by pressing the Congressional leadership to expedite consideration of the agreement; by lobbying all the major parties to secure their votes for this agreement; and by pressing the GOG to use its influence with Congress to expedite ratification.

